

# Canceling Policy Requirements for Waivers to Cite Military Detail Specifications or Process Standards in Solicitations or Contracts

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**T**his article is intended to inform Army materiel developers about the change in DOD and Army policy that affects the manner in which specifications and standards can be applied in solicitations and contracts. DOD rescinded its policy requiring a waiver to cite military detail specifications and process standards in a solicitation or contract when the Under Secretary of Defense for Acquisition, Technology and Logistics signed the *Defense Acquisition Guidance (DAG)* in October 2004. The *DAG* specifically stated that acquisition organizations are no longer required to obtain a waiver from the Milestone Decision Authority (MDA) to cite such documents. This action led to a reexamination of the even more stringent Army waiver policy stated in *Army Standardization Improvement Policy 95-1*, March 1, 1995, and *Change 1*, Jan. 26, 1996. The Army Standardization Manager, at Headquarters, U.S. Army Materiel Command's (AMC's) Office of the Deputy Chief of Staff for Business Transformation, G-7, developed a coordinated consensus among the Army standardization community in favor of the waiver policy cancellation. As a result, the Army Standardization Executive (ASE) rescinded the Army policy memo and *Change 1* in April 2005.

DOD's acquisition requirements have transitioned from "detail specifications" to "performance requirements." This means that reprourement of legacy systems, parts, spares and recap/reset will be subject to the new procurement rules, guidelines and contract forms. Here, an M1A1 Abrams tank crew from the 3rd Armored Cavalry Regiment, Fort Carson, CO, patrols the streets of Tal Afar, Iraq, last year. (U.S. Air Force (USAF) photo by SSGT Aaron Allmon, 1st Combat Camera Squadron.)



## Waiver Policy Origins

The waiver policy originated in the early 1990s as one of many Office of the Secretary of Defense (OSD) initiatives and legislative changes intended to bring about transforming the way DOD conducts its acquisition business. The waiver's purpose was to drive the use of *performance-based specifications* unless *detail-type specifications* were needed to provide an exact design solution or interface requirement. Over the past decade, program offices have had to obtain permission from their MDA before citing military detail specifications, designated by the military detail (MIL-DTL-XXXX) identifier on the title page, or manufacturing and management process standards, as requirements in contracts. In the beginning, a few MIL-DTL specifications and process standards that were frequently and widely used were

exempted from the waiver requirement by DOD and the Army.

## Acquisition Reform Institutionalized

Now, OSD has determined that the waiver policy's intent is institutionalized. A consensus among Army and other service and agency acquisition organizations supported that conclusion. Revision of *Department of Defense Directive (DoDD 5000.1)*, *Operation of the Defense Acquisition System*, and cancellation of *DoDD 5000.2-R, Mandatory Procedures for Major Defense Acquisition Programs and Major Automated Information System Acquisition Programs*,

effectively rescinded the mandatory requirement for the MDA to approve waivers. To clearly document these

changes, Louis A. Kratz, Assistant Deputy Under Secretary of Defense (Logistics, Plans and Programs) and Defense Standardization Executive, issued a memorandum in March 2005 eliminating the waiver requirement across DOD. He noted that elimination of the waiver requirement should not be interpreted as returning to the "old way of

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doing business," but as recognition that cultural change had taken place in DOD regarding the proper application of specifications and standards. Waiver requirement cancellation greatly



The ASE has indicated his office will continue to monitor contract requirements to ensure the language uses the new performance-type military specifications. This will ensure that Army legacy systems will continue to perform at the highest standards as new and better technology is integrated into these aging weapons platforms. Here, a Multiple Launch Rocket System from 2nd Battalion, 20th Field Artillery Regiment, 4th Infantry Division, sits staged at Camp Fallujah, Iraq, on April 22, 2006. (U.S. Marine Corps photo by LCPL James J. Vooris, 1st Marine Division Combat Camera.)

reduces the time and effort required for solicitation development by Army acquisition organizations.

In the future, DOD intends that all acquisition requirements be cited in performance terms. The conversion of existing detail specifications to performance requirements is to be continued and applied in the repurchase of legacy systems when supported by business case analyses. Nevertheless, if performance specifications cannot meet program needs, or if stating requirements in performance terms is not practicable because of essential interface or interoperability features, the acquiring activity may state its needs using prescriptive requirements for dimensions, materials and other attributes. DOD acquisition policy leans toward use of commercial item descriptions (CID) or nongovernment standards (NGS), including international standards, unless performance- or detail-type documents are required to describe the requirement adequately.

### Continued Process Surveillance

Does this signal open season for citing extensive and restrictive product details, DOD-unique management practices or costly manufacturing processes? No, that is not the intent. Program offices must continue to assess requirements and apply only those specifications and standards — military, federal, NGS or international — necessary to define essential needs and manage risk. Program executive officers, program managers, acquisition directors and others in the acquisition and technical communities must consider appropriate use of specifications and standards. Furthermore, ASE Ronald J. Davis has

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indicated that to ensure that the Army does not return to the old way of doing business and lose the gains achieved during acquisition reform, he will continue to review proposed new performance-type military specifications and standards to screen for lapses into detail requirements, and randomly examine solicitations released by Army acquisition centers to gauge the proper application of military specifications and standards.

### Why a Waiver Policy?

In 1994, Dr. William Perry, then Secretary of Defense, set in motion the DOD policy for military specifications (MilSpec) and standards reform to end what was

believed to be the automatic and unthinking imposition of prescriptive specifications and standards on contracts for military materiel. While recognizing that there were times when MIL-DTLs were the best and only way to ensure that DOD received the requisite quality, performance and reliability for its military equipment expenditures, Perry wanted to ensure that they were used only when they were really needed. To enforce that idea, he directed that use of detail specifications as mandatory requirements in new or major modifications to weapon systems be subject to the approval of the MDA — the executive charged with acquisition or development approval authority for the end item system. The requirement had a dramatic effect. Contracts went from having hundreds of required specifications and standards to having only a few, if any. Some thought this was progress. Others thought that overturning a process that had seemingly

worked well for decades was a recipe for disaster.

To implement Perry's waiver policy in the Army, the ASE issued *Policy Memorandum 95-1 with Change 1*. *Change 1* applied to rebuys of systems and procurement of spares, and it imposed the same restrictions on those categories as were being applied to new procurements. In keeping with the DOD objective, the Army policy's intent was to eliminate the prescriptive or "how to" nature of MilSpecs and standards cited in materiel contracts.

### **Acquisition and MilSpec Reform**

Prior to acquisition reform, DOD maintained an inventory of approximately 40,000 MilSpecs, standards, handbooks and related standardization documents. The Army's share of that inventory numbered about 12,000 documents. Many specifications called

out specific design, manufacturing, material and finishing requirements that limited the ability of commercial products to compete with the uniquely designed, MilSpec-derived products. As an unintended consequence, the practice limited the ability of commercial manufacturers to offer their best technology and designs to DOD. Further, many military standards dictated DOD-designed processes such as configuration management, management of technical data, parts management, quality management, supplier management, reliability prediction and maintainability requirements that were not compatible with commercial business practices. Compounding the problem, system developers cited specifications and standards but did not tailor them to eliminate excessive requirements in contracts, system specifications and statements of work. Consequently, mandatory compliance of irrelevant requirements and verifications was often directed.



New procurement policies ensure that "rebuys" of systems and spares impose the same restrictions as new system acquisitions. Here, an M2A2 Bradley Fighting Vehicle crew from Alpha Troop, 1st Battalion, 4th Cavalry Regiment, 1st Infantry Division, departs Forward Operating Base MacKenzie, Iraq, for a combat mission. (USAF photo by SSGT Shane A. Cuomo, 1st Combat Camera Squadron.)

As it turned out, MilSpec Reform was a catalyst for a thorough scrubbing of the standardization document inventory. Military departments and defense agencies reviewed their MilSpecs and standards, canceling unnecessary documents, replacing many with NGS and rewriting others to state requirements in performance terms. In some cases, the documents defined military-unique requirements that could not be restated in performance terms without jeopardizing performance, reliability or safety. In such cases, the MilSpecs and standards were retained and a select few were exempted from the waiver requirement. The MilSpec Reform actions resulted in a refined inventory of documents that had been screened to ensure that they were necessary; that they were written in terms of form, fit and function; and that they reflected commercial practices.

Currently, there is a mix of more than 30,000 military and federal specifications, standards, handbooks, CID and international standardization agreements in the inventory. Of that number, the Army is the preparing activity responsible for maintenance of slightly more than 8,000 documents.

### **Guidance for Standardization Document Development**

*Military Standard (MIL-STD)-961, DoD Standard Practice, Defense and Program Unique Specification Format and Content*, covers the requirements for developing military performance and MIL-DTL specifications. *MIL-STD-961* applies to specifications used on multiple

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programs or applications and program-unique specifications that are used for a single program or system with little or no potential for use with other programs or systems. Specifications are intended to provide a basis for obtaining products or services that satisfy particular needs at an economical cost and to invite maximum reasonable competition. To this end, specifications may not be unduly restrictive and should be written to encourage competition, consistent with obtaining the required performance and quality, while seeking overall economy. By definition, a specification sets limits, thereby providing a basis for eliminating items that are outside the boundaries drawn.



In some cases, military-unique requirements cannot be restated in performance terms without jeopardizing performance, reliability or safety. In such cases, military specifications and standards can be retained. During *Operations Enduring and Iraqi Freedom*, AH-64 Apache helicopters have been in high demand to provide U.S. and Coalition Forces with close air support during combat and insurgent search and seizure operations. (U.S. Navy photo by PH2 Robert M. Schalk, Fleet Combat Camera-Atlantic.)





Program offices must continue to assess requirements and apply only those specifications and standards necessary to define essential needs and manage risk for equipment being procured, maintained or reset for combatant commanders and their Soldiers. Here, SPC John L. Jackson, Alpha Battery, 3rd Battalion, 83rd Field Artillery, 2nd Brigade Combat Team, 1st Cavalry Division, sites the M109A6 Howitzer using a collimator during combat operations near Fallujah, Iraq. (U.S. Army photo by SFC Johanchares Van Boers, 55th Signal Co. (Combat Camera).)

As a supplement to *MIL-STD-961*, the Army has issued specific guidance for writing military performance specifications. Using the unique format in the guide, the writer can specify requirements for form, fit, function, interface, interoperability and environmental considerations.

*MIL-STD-962, DoD Standard Practice, Defense Standards Format and Content*, addresses the requirements for interface standards, standard practices, design criteria standards, test method standards and manufacturing process standards. Standards also include application guidance to help users know

when and how to use a document. Such guidance might include:

- How to apply a document to different contract types and different program phases.
- How to make use of any flexibility allowed by the standard.
- Lessons learned.
- The extent of government review and approval.
- The relationship between the standard and other documents.

*MIL-STD-967, DoD Standard Practice, Defense Handbooks Format and Content*, covers the requirements for handbooks.

Handbooks are guidance documents that are not mandatory and they cannot be cited as requirements in contracts. Handbooks offer an opportunity to preserve institutional memory and suggest solutions that have worked, without requiring that those solutions be used for new contracts.

## Resources

The Army Standardization Program Web site contains tools and links to aid materiel developers. The site also provides guidance on the preparation of standardization documents; DOD, AMC and Defense Standardization Program policy and guidance; specification writing aids; and answers to some frequently asked questions. The Web site can be accessed at <http://www.amc.army.mil/amc/rda/milspec/index.html>.

The Acquisition Streamlining and Standardization Information System (ASSIST) is a database containing MilSpecs, standards and handbooks; federal specifications and standards; qualified products/manufacturers lists; international standardization agreements; commercial item descriptions; and a catalog of DOD-adopted NGS with information on how to obtain them. These resources are available to registered military, civilian agency and industry subscribers. ASSIST can be accessed at <http://assist.daps.dla.mil/online/start/>.

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